APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO:	CONFIRMATION NO.
09/835,836	04/16/2001	Mark Vange	CIRC010	4180

25235	7590	12/17/2004

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ART UNIT	PAPER NUMBER
2153	

DATE MAILED: 12/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 April 2001*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-38* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-38* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *16 April 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

This office action is a first action on the merits of this application. Claims 1-38 are

presented for further examination.

Oath/Declaration

1. The oath is objected to for the following informalities: Non-initialed and/or non-dated

alterations have been made to the oath or declaration. See 37 CFR 1.52(c).

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 10-12 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the

enablement requirement. The claim(s) contains subject matter which was not described in the

specification in such a way as to enable one skilled in the art to which it pertains, or with which

it is most nearly connected, to make and/or use the invention. The specification fails to disclose

originating web servers communicating with other originating web servers in order to generate a

response to clients, as stated in claim 10. Further the specification states that origin servers have

an interface 1) for receiving requests and 2) for responding to requests. The specification fails to

disclose an interface on the origin server for making requests to any other server.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 8, 11, 13, 15, 24, and 26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Claim 8 recites the limitation "the network" in line 1. There is insufficient antecedent basis for this limitation in the claim.

5. Claim 11 recites the limitation "the first and second set" in line 2. It is presumed that the claim should read the first and second *sets* since multiple sets are discussed.

6. Regarding claim 13, the phrase "generating a request for content" in line 3 renders the claim indefinite because it is unclear where or what generates the request for content.

7. Claim 13 recites the limitation "the network resources" in line 9. There is insufficient antecedent basis for this limitation in the claim.

8. Claim 15 is indefinite because it unclear which server (the first or the second) obtains content from the origin content source.

9. Claim 24 recites the limitation "the second intermediary server being *coupled to coupled to*" in line 3. It is presumed that the claim should recite the limitation *coupled to* only once.

10. Regarding claim 26, the phrase "the communication channel is responsive to the priority value to regulate the manner in which data is communicated" renders the claim indefinite because it is unclear how a physical communication link could actively regulate the way in which resource are sent without the intervention of some other hardware device, such as a router or server.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

11. Claims 8, 9, 14, 15, 22, 24, and 25 are rejected under 35 U.S.C. 102(e) as being anticipated

by Dias et al. (U.S. Patent Number 6,490,615; hereinafter Dias).

12.   Regarding claims 8 and 9, Dias teaches a web site comprising:

- ❑ an originating web server coupled to the network (Fig. 3, Components 182, 184) and

  executing software to access a first set of content and functionality in response to

  requests from a web client (Characteristics of a web server; Col 3, lines 60-61);

- ❑ a front-end server coupled to the network and executing software to access a second

  set of content and functionality in response to requests from the web client (Fig. 3,

  Components 172, 174, 176);

- ❑ a first communication channel supporting request and response communication

  between the web client and the front-end server (Fig 3, Network);

- ❑ a second communication channel supporting communication between the front-end

  server and the originating web server (Fig 3, Connection between 172 and 182); and

❏ means operating cooperatively between the originating web server and the front-end server for receiving requests for web pages from the web client and serving web pages to the requesting web client in response to the received requests (Col 5, lines 26-39).

❏ means for directing request and response traffic from the first channel to the second channel (Col 5, lines 29-39)

13. Regarding claim 14, Dias discloses a system for serving content from a plurality of network resources comprising:

❏ a first web server comprising a first set of resources and coupled to serve requests received from a first plurality of network appliances by accessing the first set of resources in response to requests generated by the first plurality of network appliance (Fig 4, Component 172);

❏ a second web server comprising a second set of resources and coupled to serve requests from a second plurality of network appliances by accessing the second set of resources in response to requests generated by the second plurality of network appliances (Fig 4, Component 176); and

❏ a communication channel between the first and second web servers such that a request received on the first web server for content of the second web server are served by causing the first web server to access the second web server to obtain the content and servicing the request from the first web server (Col 8, lines 16-28).

14. Regarding claim 15, it presumed for the prior art rejection in this action that a client request is made to the second web server for content, the second server then requests the data from the

first server and the first server retrieves the data from the originating content server. The data is

then transmitted from the content server to the first server to the second server for delivery to the

client.

15. In further considering claim 15, Dias discloses the system of claim 14 wherein requests

received on the second web server for content of the first web server are served by causing the

second web server to access the first web server to obtain the content and servicing the request

from the second web server to obtain content from content source, the originating web server

having a request interface for receiving requests from a network and a response interface for

sending responses to the requests (Col 8, lines 29-34) [For this embodiment allow Fig 5,

Component 176 to be the first server and Component 172 to be the second server].

16. Regarding claim 16, Dias discloses the system of claim 14 wherein the first tier web server

fetches content from the second tier web server and serves the fetched content such that it is the

originating server for the fetched content (Col 4, lines 16-28).

17. Regarding claim 22, Dias discloses a system for caching network resources comprising:

- ❏ an origin web server operable to provide responses containing network resources in
  response to requests for the contained resources (Figure 3, Components 182 and 184);

- ❏ an first intermediary server having a cache therein and coupled to receive the
  responses and to receive the requests for network resources (Figure 3, Component
  172);

- ❏ mechanisms within the first intermediary server for determining whether the
  requested network resources are within the cache (Col 7, lines 26-35); and

❑   mechanisms within the first intermediary server for serving the requested network

resources from the cache when requested network resources are within the cache (Col

7, lines 26-35);.

18.   Regarding claim 24, Dias discloses the system of claim 22 further comprising a second

intermediary server having a cache therein (Figure 5, component 176), the second intermediary

server being coupled to receive the responses and to receive the requests for network resources

(Col 8, lines 28-34).

19.   Regarding claim 25, Dias discloses the system of claim 24 further comprising a

communication channel coupling the first intermediary server and the second intermediary server

(Figure 5, Components 172 and 176 connected; Col 8, lines 28-34).

20.   Claims 22-25 and 27-33 are rejected under 35 U.S.C. 102(e) as being anticipated by

Aggarwal et al. (U.S. Patent Number 5,924,116; hereinafter Aggarwal).

21.   Regarding claim 22, Aggarwal discloses a system for caching network resources

comprising:

❑   an origin web server operable to provide responses containing network resources in

response to requests for the contained resources (Figure 1, Components 20);

❑   an first intermediary server having a cache therein and coupled to receive the

responses and to receive the requests for network resources (Figure 1, Component

30);

❑ mechanisms within the first intermediary server for determining whether the

requested network resources are within the cache (Col 5, lines 42-46); and

❑ mechanisms within the first intermediary server for serving the requested network

resources from the cache when requested network resources are within the cache (Col

5, lines 42-46);.

22. Regarding claim 23, Aggarwal discloses 23 the system of claim 22 wherein the network

resources are associated with a priority value (Col 4, lines 25-29 and Col 8, lines 7-16) and the

cache comprises a priority sensitive cache that selectively stores (decides whether or not a

replacement will take place) the network resources in the cache based at least in part on the

associated priority (Col 9, lines 24-39).

23. Regarding claim 24, Aggarwal discloses the system of claim 22 further comprising a second

intermediary server having a cache therein (Figure 1, component 35), the second intermediary

server being coupled to receive the responses and to receive the requests for network resources

(Col 5, lines 36-41). [In Aggarwal's system a request for a resource is passed up through the

hierarchy until the requested resource is found, the resource is then sent back down the hierarchy

to the requesting client. Therefore each proxy cache in the path of such a request is coupled to

receive the responses and the requests for resources.]

24. Regarding claim 25, Aggarwal discloses the system of claim 24 further comprising a

communication channel coupling the first intermediary server and the second intermediary server

(Figure 1, Connection between level-0 and level-1).

25. Regarding claim 27, Aggarwal discloses the system of claim 22 wherein the cache

comprises a passive cache that caches network resources as they pass through the intermediary

server (Col 9, lines 24-39). [In Aggarwal's system a proxy cache will decide whether or not to cache objects (using the replacement selection logic 172) as the requested objects pass through the proxy cache server.]

26. Regarding claims 28 and 30, Aggarwal discloses the system of claim 22 wherein the cache comprises an active cache that caches network resources in response to encoded instructions (Col 6, lines 40-44) within the network resource (Col 9, lines 24-39). Aggarwal's system uses the CHL value to determine whether or not to cache an object in the replacement selection algorithm (172). In further considering claim 30, an intermediary server (proxy cache server) is capable of encoding instructions (CHL values) (Col 4, lines 49-50).

27. Regarding claim 29, Aggarwal discloses the system of claim 22 wherein the cache comprises an active cache that caches network resources in anticipation of requests for the network resource (Col 9, lines 24-39). [Aggarwal anticipates requests based on the time to obsoleteness TTO, which is incorporated into the selection weight of a resource (Col 9, lines 56-58; Col 10, lines 9-11).]

28. Regarding claims 31-33, Aggarwal discloses the system of claim 22 wherein the intermediary server comprises: a front-end computer having a cache therein and located on a client-side of a network (Figure 1, Component 50; in relation to clients 60.3); and a back-end server having a cache therein located on an originating server-side of a network (Figure 1, Component 30; in relation to clients 60.3).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
such that the subject matter as a whole would have been obvious at the time the invention was made to a person
having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
manner in which the invention was made.

29. Claims 1, 2, 7, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dias et

al. (U.S. Patent Number 6,490,615; hereinafter Dias) and Dujari (U.S. Patent Number

6,199,107).

30. Regarding claim 1, Dias discloses a system for serving web pages to a client in response to a

client request specifying a resource, the system comprising:

❑   a first web server (Fig. 3, Components 182, 184) having a first address, the first web

    server having a request interface for receiving requests and a response interface for

    sending responses to the requests (Characteristics of a web server; Col 3, lines 60-61);

❑   a communication network coupled to the first web server (Fig. 3);

❑   a second web server (Fig. 3, Components 172, 174, 176) having a second address

    (Col 4, lines 43-45) and implementing interface processes for communicating with a

    client application and for communicating with the first web server, the second web

    server coupled to both obtain the request-specified resources from the first web server

    and generate a response to the client request (Col 5, lines 29-39).

However, Dias fails to disclose obtaining *at least some* of the request-specified resources

from the first web server and augmenting the obtained resources using resources within the

second web server. Nonetheless, generating a response for a requested resource using both

cached resources on a second server and obtained resources from a first server was well known

in the art at the time of invention, as evidenced by Dujari. In a similar art, Dujari discloses a

partial content caching system (Col 1, lines 35-39) where responses to client requests are

generated using both cached content resources and resources obtained from a first web server

(Col 1, lines 40-50). Dujari further discloses the benefits of such a system include reduced client

latency, reduced server load and improved network utilization (Abstract, second to last

sentence). Thus, given the teachings of Dujari, it would have been obvious to one of ordinary

skill in the art at the time of invention to design the Dias cache nodes (Fig 3, Components 172,

174, 176) to include the partial resource caching and retrieval functionality disclosed by Dujari

in order to reduce client latency, reduce server load and improve network utilization.

31. Regarding claim 2, it was well known in the art at the time of invention that a web server

can be placed anywhere with a connection to internet. It was further well known at the time of

invention that a web server could implement (serve) any number of web sites.

32. Regarding claim 7, Dias discloses a method for serving web pages to a client in response to

a client request specifying a network resource, the method comprising:

    ❑ providing an originating web server (Fig. 3, Components 182, 184) upon which the

        requested resource resides, the originating web server having a request interface for

        receiving requests and a response interface for sending responses to the requests

        (Characteristics of a web server; Col 3, lines 60-61);

- ❑ providing a front-end server (Fig. 3, Components 172, 174, 176);

- ❑ redirecting a client request addressed to the originating web server to the front-end server (Col 5, lines 10-13);

- ❑ using the front-end server to obtain at least some of the request-specified resources from the originating web server (Col 5, lines 29-39);

- ❑ using resources within the front-end server or resources obtained from the originating server to generate a response to the client request; and communicating the augmented response from the front-end server to the client (Col 5, lines 26-39).

As discussed above (Claim 1), Dias fails to disclose augmenting resources obtained from an originating web server with resources stored on the front-end server. However, the combined systems of Dias and Dujari teach generating client responses using content stored both on a front-end server and an originating server. Refer to the rationale used in claim 1 above.

33. Regarding claim 13, Dias discloses a method for serving content from a plurality of servers comprising:

- ❑ a client generating a request for content, the request being associated with a specified address (Col 5, lines 26-29);

- ❑ providing a server (Fig. 3, Components 172, 174, 176) having the address specified in the request and directing the request to the server having the specified address and having at least a portion of the network resources specified in the request (Col 10, lines 14-28);

As discussed above (Claim 1), Dias fails to disclose causing the server to serve a first portion of the request from the server itself; and causing the server to serve a second portion of

the request from a second tier web server. However, the combined systems of Dias and Dujari

teach generating client responses using content stored both on a front-end server and an

originating server. Refer to the rationale used in claim 1 above.

34. Claims 17-21 and 34-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dias

et al. (U.S. Patent Number 6,490,615; hereinafter Dias) and Gadish (U.S. Patent Number

6,202,087).

35. Regarding claim 17, Dias discloses a system for serving web pages to a network client

comprising:

- ☐ a network (Figure 3, Component 150);

- ☐ an origin web server coupled to the network (Figure 3, Components 182 and 184);

- ☐ a client coupled to the network and generating requests directed to the origin web

  server (Figure 3, Component 110);

- ☐ a gateway machine in communication with the client, the gateway machine

  configured to receive requests from the client, obtain web pages from the origin web

  server in response to the received request, and serve the obtained pages to the client

  (Figure 3, Components 172, 174, and 176);

- ☐ means for detecting a busy condition (availability/load) (Col 4, lines 56-58);

However, Dias fails to disclose a means for detecting a busy condition in the origin

server. Dias also fails to disclose means responsive to the busy condition for severing a page

generated by the gateway machine in response to the client request. Nonetheless, it was widely

known in the art at the time of invention to detect when a server is overloaded and generate an

alternate webpage in response to the overloaded server condition, as evidenced by Gadish.

Gadish discloses an error message detection system, which intercepts error messages when a

query is not resolvable by a server (a server busy condition) and replaces the error message with

a non-error message (Col 2, lines 49-60). Gadish further discloses that the intermediary device

(Gadish, Figure 1, device 20) that intercepts any error messages and generates replacement

messages can be located on any computer in communication with the server (Col 5, lines 33-36).

Hence this intermediary device could be located on a gateway computer (a Cache Node in the

Dias system) in order to detect an origin server busy condition (error message response) and

generate an alternate webpage (non-error message) to service the client request. It would have

been obvious to one of ordinary skill in the art at the time of invention to incorporate Gadish's

error message detection and non-error message generator functionality within the cache nodes of

Dias's system in order to provide a user with much more focused, specific information during a

server outage or overloaded period rather than simply indicating that the requested page is

unavailable (Col 1, lines 42-44).

36. Regarding independent claims 20 and 21, the limitations of claims 20 and 21 are similarly

drawn to the limitations of claim 17 and are rejected using the same rational.

37. Regarding claim 18, the system of claim 17 wherein the gateway machine comprises web

server software capable of generating static (cached pages) (Dias Col 7, lines 30-35) and

dynamic web pages (generate non-error messages) (Col 2, lines 49-60).

38. Regarding claim 19, Gadish discloses the system of claim 17 wherein the means for serving

substitute pages places the gateway machine in a role of the origin server (Col 2, lines 49-60).

39. Regarding claim 34, Dias discloses 34 a method for serving web pages in response to

requests from a network client, wherein the requests specify content desired by the user of the

network client, the method comprising:

- □ providing a gateway server configured to receive requests specifying content (Figure

    3, Components 172, 174, 176);

- □ providing a plurality of network servers, at least one of the network servers housing

    the specified content (Figure 3, Components 172, 174, 176, 182, 184, 186), and

- □ in response to a received request, generating requests in the gateway server to at least

    one of the network servers (Col 8, lines 16-24);

- □ in response to the request received from the gateway server, generating requests in the

    at least one network server to at least one other network server (Col 8, lines 28-33);

    In figure 5, component 172 acts as a gateway server and makes a request to network

    server 176. Network server 176 in turn requests content from network server 184.

- □ serving a response from the gateway server, wherein the response includes content

    selected from the group consisting of specified content from the gateway server,

    specified content from one of the network servers, specified content from an origin

    server, alternate content from the gateway server, and alternate content from one of

    the network servers (From the gateway server – Col 7, lines 30-34; From the one of

    the network servers; Col 8, lines 16-27; From an origin server, Col 8, lines 28-34).

    However, Dias fails to disclose at least one of the network servers housing alternative

content. Nonetheless, it was widely known in the art at the time of invention to house

alternative content on network servers, as evidenced by Gadish. Gadish discloses an error

message detection system, which intercepts error messages when a query is not resolvable by a

server (a server busy condition) and replaces the error message with a non-error message (Col 2,

lines 49-60). Gadish further discloses that the intermediary device (Gadish, Figure 1, device 20)

that intercepts any error messages and generates replacement messages can be located on any

computer in communication with the server (Col 5, lines 33-36). Hence this intermediary device

could be located in any network server (a Cache Node or Server in the Dias system) in order to

generate an alternate webpage (non-error message) to service the client request. Gadish also

discloses that alternate content can be stored on an alternate content network server (Col 5, lines

60-66). It would have been obvious to one of ordinary skill in the art at the time of invention to

incorporate Gadish's error message detection and non-error message generator functionality

within the cache nodes or servers of Dias's system in order to provide a user with much more

focused, specific information during a server outage or overloaded period rather than simply

indicating that the requested page is unavailable (Col 1, lines 42-44).

40. Regarding claim 35, Dias discloses the method of claim 34 further comprising the act of

routing the requests to a gateway server (Col 5, lines 10-15).

41. Regarding claim 36, Dias discloses the method of claim 34 wherein the selection of content

included in the response from the gateway server is selected by the gateway server (Col 7, lines

30-44). The gateway server selects content from its cache or another network server.

42. Regarding claim 37, Dias discloses the method of claim 34 wherein the selection of content

included in the response from the gateway server is selected by one of the network servers (Col

8, lines 28-34). In the case illustrated in figures 4 and 5, a network server decides whether to

response to a request with content selected from its cache or another network server.

43. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Aggarwal et al.

(U.S. Patent Number 5,924,116; hereinafter Aggarwal).

44. It is presumed for the prior art rejection in this office action that some hardware device

regulates the manner in which data is communicated since a physical communication link cannot

embody this functionality.

45. In further considering claim 26, Aggarwal discloses the system of claim 25 wherein the

network resources are associated with a priority value (Col 4, lines 25-29 and Col 8, lines 7-16)

and a communication channel exists between the first and second intermediary servers, as

discussed above. Aggarwal fails to explicitly disclose the communication channel being

responsive to resource priority values in order to *regulate the manner* in which data is

communicated between the first intermediary server and the second intermediary server.

However, in Aggarwal's system each proxy cache makes a decision whether or not to cache an

object through the replacement selection logic (171) (Col 9, lines 24-39). If an object X were

cached in a first intermediary server (Figure 1, Component 30) but not in a second intermediary

server (Figure 1, Component 35) and a client requested object X, then the second intermediary

server would have to decide whether or not to cache object X based on its priority (selection

weight). If the second intermediary server does not cache object X then all future requests

through the second intermediary server for object X must pass through the communication

channel between the first and second intermediary servers. Alternately if the secondary server

caches object X then future requests for object X need not traverse the communication channel

between the first and second intermediary servers. Therefore, the manner in which data is

communicated between the first and second server is regulated.

46. Claims 3-6 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dias et al.

(U.S. Patent Number 6,490,615; hereinafter Dias), Dujari (U.S. Patent Number 6,199,107), as

applied to claim 1 above, and in further view Gadish (U.S. Patent Number 6,202,087).

47. Regarding claim 3 and 5, Gadish discloses an error message detection system, which

intercepts error messages when a query is not resolvable by a server (a server busy or unavailable

condition) and replaces the error message with a non-error message (substitutes resources) (Col

2, lines 49-60). Gadish further discloses that the intermediary device (Gadish, Figure 1, device

20) that intercepts any error messages and generates replacement messages can be located on any

computer in communication with the server (Col 5, lines 33-36). Hence this intermediary device

could be located on a gateway computer (a Cache Node in the Dias system) in order to detect an

origin server busy condition (error message response) and generate an alternate webpage (non-

error message) to service the client request. It would have been obvious to one of ordinary skill

in the art at the time of invention to incorporate Gadish's error message detection and non-error

message generator functionality within the combined systems of Dias and Dujari in order to

provide a user with much more focused, specific information during a server outage or

overloaded period rather than simply indicating that the requested page is unavailable (Col 1,

lines 42-44).

48. Regarding claims 4 and 6, Gadish discloses substituting resources that comprise a

redeemable coupon (Col 1, line 67 – Col 2, line 6).

49. Regarding claim 38, Dias fails to disclose obtaining *at least two portions* of the request-

specified resources from two or more gateways/servers. Nonetheless, generating a response for a

requested resource using both cached resources on a gateway server and obtained resources from

a second server was well known in the art at the time of invention, as evidenced by Dujari. In a

similar art, Dujari discloses a partial content caching system (Col 1, lines 35-39) where responses

to client requests are generated using both cached content resources and resources obtained from

a server (Col 1, lines 40-50). Dujari further discloses the benefits of such a system include

reduced client latency, reduced server load and improved network utilization (Abstract, second to

last sentence). Thus, given the teachings of Dujari, it would have been obvious to one of

ordinary skill in the art at the time of invention to design the combined Dias and Gadish system

to include the partial resource caching and retrieval functionality disclosed by Dujari in order to

reduce client latency, reduce server load and improve network utilization.

Conclusion

50. The prior art made of record, in PTO form 892, and not relied upon is considered pertinent to

applicant's disclosure.

51. This action is made NON-FINAL.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Sean Reilly whose telephone number is 571-272-4228. The

examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Glen Burgess can be reached on 571-272-3949. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

12/2/04

Bradley Edelman
Art Unit 2153